

C2 3. (Amended) The step apparatus according to Claim 1, wherein said mounting portion includes a body member adapted to engage a tubular socket of a towing hitch.

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the subject application. The Advisory Action of October 30, 2001 has been received and contents carefully reviewed.

The Examiner is also thanked for indication of allowable claim 38. By this Amendment, Applicant amends claims 1 and 3. Accordingly, claims 1, 3, 34, and 36-38 are pending in the instant application. Applicant respectfully submits no new matter has been added.

In the Advisory Action, the Examiner rejected claim 3 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully submits that amended claim 3 is in full compliance with 35 U.S.C. 112, second paragraph.

The Examiner rejected claims 1, 34, and 36-37 under 35 U.S.C. §102(e) as being anticipated by (USP 5,584,495) Mason. Applicant respectfully asserts that a *prima facie* case of anticipation has not been established.

Independent claim 1 is allowable over Mason (U.S. Pat. No. 5,584,495) in that claim 1 recites a combination of elements including, for example, "a step portion hinged to the mounting portion forward of a hitch portion of the hitch assembly whereby the step portion may be moved from a first position where the step portion is disposed above a vehicle hitch and usable with or without the vehicle hitch being in use, to a second, stowed position